



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश शासन द्वारा प्रकाशित

खंड XI]

शिमला, शनिवार, 9 फरवरी, 1963/20 माघ, 1884

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भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उप-राज्यपाल और जुडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि

## HIMACHAL PRADESH ADMINISTRATION

Simla-4, the 23rd/25th January, 1963

### APPOINTMENT DEPARTMENT

#### NOTIFICATIONS

Simla-4, the 8th January, 1963

No. Apptt. 3-8/59.—The Lieutenant Governor, Himachal Pradesh, is pleased to grant 120 days leave as follows to Shri Jwala Parshad, Magistrate 1st Class-cum-Revenue Assistant, Sirmur district, Nahan in continuation of 89 days earned leave granted to him vide notification of even number, dated the 31st August, 1962:—

1. Earned leave 31 days.
2. 149 days commuted leave (by double debit to half pay leave on account of medical grounds).

2. It is certified that Shri Jwala Parshad would have continued to officiate as Magistrate 1st Class-cum-Revenue Assistant but for his proceeding on leave for the above period.

No. 1-22/62-Apptt.—In exercise of the powers conferred on him under rule 27 of the Delhi and Himachal Pradesh Civil Service Rules, 1961, the Lieutenant Governor, Himachal Pradesh is pleased to appoint Shri Guman Singh, Delhi and Himachal Pradesh Civil Service Probationer and officiating as Revenue Assistant-cum-Magistrate 1st Class, Sirmur district, Nahan as Sub-Divisional Officer, Rampur (Mahasu district) vice Shri Gita Ram, deceased with effect from the date of his taking over at Rampur, until further orders.

O. N. MISRA,  
Chief Secretary.

Simla-4, the 25th January, 1963

No. Apptt. 1-1030/57.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898, the Lieutenant Governor, Himachal Pradesh, is pleased to appoint

Shri S. R. Sharma, Compensation Officer, Tehsil Kasumpti, District Mahasu, to be Magistrate III Class with jurisdiction extending over the whole of Mahasu district and with all the powers of a Magistrate III Class under the said Code and any other law for the time being in force, with effect from the date of issue of this notification.

By order,  
O. N. MISRA,  
Chief Secretary.

*Simla-4, the 25th January, 1963*

No. Apptt. 3-7/59.—The Lieutenant Governor, Himachal Pradesh, is pleased to grant 10 days earned leave to Shri S. R. Sharma, Compensation Officer, Mahasu district, Kasumpti with effect from the 17th December, 1962 with permission to prefix Sunday falling on the 16th December, 1962.

2. Certified that Shri S. R. Sharma would have continued to officiate as Compensation Officer but for his proceeding on earned leave for the above period.

*Simla-4, the 25th January, 1963*

No. 1-12/61-Apptt.—In exercise of the powers vested in him under F. R. 27 read with the Government of India, Ministry of Finance letter No. F.2 (46)-E-III/60, dated the 5th August, 1960, the Lieutenant Governor, Himachal Pradesh, is pleased to grant 3 advance increments to Shri C. S. Sautha, who has been appointed as officiating Subordinate Judge in the scale of Rs. 250-25-300/30-510/30-600/40-800/50-850 thus fixing his pay at Rs. 330 per month in the said scale with effect from the date of his taking over as Additional Subordinate Judge, Mandi.

O. N. MISRA,  
Chief Secretary.

*Simla-4, the 25th January, 1963*

No. Apptt. 1-1030/57.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898, the Lieutenant Governor, Himachal Pradesh, is pleased to appoint Shri Ramesh Kumar, Assistant District Planning and Development Officer, District Mahasu, to be Magistrate of the First Class with jurisdiction extending over the whole of Mahasu district and with all the powers of a Magistrate 1st Class under the said Code and any other law for the time being in force, with effect from the date of issue of this notification.

By order,  
O. N. MISRA,  
Chief Secretary.

*Simla-4, the 25th January, 1963*

No. 1-12/61-Apptt.—The Lieutenant Governor, Himachal Pradesh, in consultation with the Judicial Commissioner, Himachal Pradesh, is pleased to appoint Shri C. S. Sautha, as officiating Subordinate Judge on a starting pay of Rs. 330 per month in the scale of Rs. 250-25-300/30-510/30-600/40-800/50-850 plus any other allowances that may be admissible to him under the rules with effect from the date of his taking over as Additional Subordinate Judge, Mandi.

2. Shri C. S. Sautha will be on probation for a period of two years in the first instance.

O. N. MISRA,  
Chief Secretary.

## AGRICULTURE DEPARTMENT

### NOTIFICATION

*Simla-4, the 22nd January, 1963*

No. Agr. 1-688/58.—The Lieutenant Governor, Himachal Pradesh, is pleased to shift the headquarters of the Seed Multiplication Officer, Himachal Pradesh, presently located at Nalagarh House, Simla-5, to Mandi, District Mandi, Himachal Pradesh, with immediate effect in the public interest.

By order,  
T. S. NEGI,  
Secretary.

## ANIMAL HUSBANDRY DEPARTMENT

### NOTIFICATION

*Simla-4, the 22nd January, 1963*

No. 4-119/61-Vety.—Continuation this department notification of even number, dated the 6th December, 1962.

2. The headquarters of the Manager, Sheep Breeding Farm, Karchham, stationed at Darlaghat, Tehsil Arki, Mahasu district, is shifted to Kothipura, Bilaspur district (Himachal Pradesh) with effect from the afternoon of 20th December, 1962, in the public interest.

THAKUR SEN NEGI,  
Secretary.

## CIVIL SUPPLIES DEPARTMENT

### NOTIFICATION

*Simla, the 14th January, 1963*

No. 13-3/62-CS. II.—In exercise of the powers conferred by clause (c) of section 2 of the Himachal Pradesh Sugar Dealers Licensing Order, 1963, the Lieutenant Governor, Himachal Pradesh, hereby appoints the officers mentioned in column No. 1 of the Schedule below to exercise the powers and perform the duties of a licensing authority under the said order within the limits of the area specified against them in column No. 2 of the said Schedule, with immediate effect:—

### SCHEDULE

<i>Column No. 1</i>	<i>Column No. 2</i>
1. Director of Civil Supplies	The whole of the Union Territory of Himachal Pradesh.
2. Deputy Director of Civil Supplies (General), H.P.	-do-
3. Deputy Director of Civil Supplies (Headquarters), Himachal Pradesh.	-do-
4. All the District Co-operative and Supplies Officers in Himachal Pradesh.	Their respective districts.
5. All the Deputy Commissioners in Himachal Pradesh.	-do-

By order,  
V. B. L. MATHUR,  
Secretary.

## HOME DEPARTMENT

### NOTIFICATIONS

*Simla-4, the 4th January, 1963*

No. 17-64/62-Home.—The Lieutenant Governor, Himachal Pradesh, is pleased to appoint the following as Commandants, Home Guards in the Districts shown against each in the scale of Rs. 300-25-650/30-800 with effect from the date they assumed charge of their posts against the temporary posts created vide this Administration Memo. No. 14-7/62-Home, dated the 24th November, 1962:—

1. Captain Shamsher Singh, Mahasu district.
2. Lieutenant Roop Singh, Mandi district.
3. Captain Sohan Singh, Bilaspur district.
4. Shri Hoshiar Singh, Chamba district.
5. Captain Dharmatam Singh, Sirmur district.
6. Lieutenant Bhupinder Kishore Sandaliya, Kinnaur district.

By order,  
O. N. MISRA,  
Chief Secretary.

*Simla-4, the 14th January, 1963*

No. H. (P) 14-732/58.—In supersession of this Administration notification of even number, dated the 10th January, 1963, the Lieutenant Governor, Himachal Pradesh, is pleased to order the following transfers in

the interest of public service with immediate effect:—

- (i) Shri Krishan Chand, officiating Superintendent of Police, Mahasu district, is transferred as officiating Superintendent of Police, Bilaspur district vice Shri V. D. Panjani, transferred;
- (ii) Shri V. D. Panjani, Superintendent of Police, Bilaspur district, is transferred as Superintendent of Police, Mahasu district vice Shri Krishan Chand transferred.

O. N. MISRA,  
Chief Secretary.

## INDUSTRIES DEPARTMENT

### NOTIFICATION

Simla-4, the 23rd January, 1963

No. 1&S. 15-(Est.)-369/62.—In supersession of this Administration notification No. 1&S. 15 (Est)-591/57, dated the 24th April, 1961 and in exercise of the powers conferred by sub-section 2 of section 8 of the Factories Act, 1948 (LXIII of 1948) the Lieutenant Governor, is pleased to appoint Shri D. D. Gandhi, District Industries Officer (headquarters) as Chief Inspector of Factories in the Territory of Himachal Pradesh w.e.f. the 1st January, 1963 (F.N.) in addition to his normal duties.

DINKER KEDARNATH,  
Joint Secretary.

## MEDICAL AND PUBLIC HEALTH DEPARTMENT

### NOTIFICATIONS

Simla-4, the 23rd January, 1963

No. 3-179/61-Med.—The Lieutenant Governor, Himachal Pradesh, is pleased to accept the resignation of Dr. Sakti Pada Banerjee, Medical Officer (V.D.), V.D. Main-Clinic, Snowdon, Simla, w.e.f. 25th January, 1963 afternoon.

Simla-4, the 23rd January, 1963

No. 3-96/61-Med.—The Lieutenant Governor, Himachal Pradesh, is pleased to accept the resignation of Dr. Vinod Kumar Sood, Civil Assistant Surgeon, Gr. I (Gazetted), Himachal Pradesh Hospital, Snowdon, Simla w.e.f. 25th January, 1963 (A.N.).

Simla-4, the 23rd January, 1963.

No. 3-72/60-Med.—The Lieutenant Governor, Himachal Pradesh, is pleased to grant 15 days earned leave to Dr. (Mrs.) Shashi Parkash, Civil Assistant Surgeon, Grade I (Gazetted), Himachal Pradesh State Hospital, Snowdon, Simla with effect from the 17th December to the 31st December, 1962 with permission to prefix Sunday falling on the 16th December, 1962.

Certified that Dr. (Mrs.) Shashi Parkash would have continued to officiate but for her proceeding on 15 days earned leave w.e.f. 17th December to 31st December, 1962 and that the above period of leave will count towards earning annual increments.

3. Certified also that Dr. (Mrs.) Shashi Parkash is likely on the expiry of the leave, to return to duty at the station from which she proceeds on leave.

By order,  
P. CHANDRA,  
Secretary.

## PLANNING AND DEVELOPMENT DEPARTMENT

### NOTIFICATIONS

Simla-4, the 22nd January, 1963

No. 4-1/61-E(Dev).—On the recommendation of the Departmental Promotion Committee, the Lieutenant Governor, Himachal Pradesh, is pleased to promote the following Naib-Tehsildar/Extension Officers as officiating Block Development Officers in the scale of Rs. 250-25-500 and post them to the blocks noted

against each:—

Sl. No.	Name of N.T./E.O.	Name of Block to which posted
1.	Shri Kedar Nath Sharma, Naib-Tehsildar, Hangrang.	Pre-extension Block, Theog II, Theog.
2.	Shri S. P. Ajmani, Extension Officer (Co-op.).	Leave and training reserve in the office of Development Commissioner, Himachal Pradesh, Simla.
3.	Shri C. P. Verma, Extension Officer (Agr.).	Development Block, Shillai.
4.	Shri R. C. Katoch, Extension Officer (Agr.).	Development Block, Mehla Chamba.

Simla-4, the 22nd January, 1963

No. 4-1/61-E(Dev).—On the recommendation of the Departmental Promotion Committee, the Lieutenant Governor, Himachal Pradesh, is pleased to promote Shri Hari Ram Thakur, permanent Head Clerk, Development Block, Theog, as officiating Block Development Officer, in the time scale of Rs. 250-25-500, and post him to Pre-extension Block, Chhohara (Rohru-II) with immediate effect.

2. The appointment of Shri Hari Ram Thakur is on an *ad-hoc* basis and for such time as the nominee of the Union Public Service Commission is not available.

THAKUR SEN NEGI,  
Secretary.

## PUBLIC WORKS DEPARTMENT

### CORRIGENDUM

Simla-4, the 14th January, 1963

No. PWI-200-33/23/60-4901-25.—Please read 'Narob Khad' instead of 'Karogenala Khad' appearing against item 20(ii) in the notification already issued vide No. PWI-200-33/60-98282-309, dated 23-10-1962.

J. MUKAND,  
Secretary.

## REVENUE DEPARTMENT

### NOTIFICATIONS

Simla-4, the 15th January, 1963

No. 4-83/62-Rev. I.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Administration at the public expense for a public purpose, namely for the construction of Nahan-Paonta road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

2. This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh, is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh, Public Works Department, Sirmur district, Victoria Cottage, Simla-2.

### SPECIFICATION

District: SIRMUR Tehsil: PAONTA

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
JAGATPUR	56/1	0	5
	57/1	0	12

1	2	3	4
	68/1	2	16
	69/1	1	0
	77/1	0	3
	75/1	0	1
	78/1	1	1
	Total	5	18

*Simla-4, the 16th January, 1963*

No. 4-71/62-Rev. I.—Whereas, it appears to the Lieutenant Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Administration at the public expense for a public purpose, namely for Water Supply Scheme Rampur, District Mahasu, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

2. This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, as applied to Himachal Pradesh to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, is pleased to authorise

the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh, Public Works Department, Mahasu district, Victoria Cottage, Simla-2.

#### SPECIFICATION

*District:* MAHASU

*Tehsil:* RAMPUR

Village 1	Khasra No. 2	Area Big. Bis. 3 4
JAGUNI	1155/1119/1	5 2

By order,  
RAGHUBIR SINGH,  
Joint Secretary.

#### TRANSPORT DEPARTMENT

##### NOTIFICATION

*Simla-1, the 23rd January, 1963*

No. GM. 9-384/59.—Further to this Administration's notification No. T. 102-27/57, dated the 28th February, 1961.

2. In exercise of the powers vested in him *vide* Government of India, Ministry of Home Affairs office Memo. No. 9/11/55-RPS, dated the 22nd December, 1959, the Lieutenant Governor, Himachal Pradesh, has been pleased to prescribe quotas for promotion in respect of the following categories of Class III (Non-Gazetted) posts in the Himachal Government Transport from Promotion quota only as under:—

1. Office/C and S. Superintendents (Rs. 250-20-350).	Accountants and Auditors (Rs. 150-10-250). 60%	Assistants (including Budget and C&S.)(Rs. 116-8-180/10-250). 40%	Total 100%	
2. Accountants and Auditors (Rs. 150-10-250).	Assistants (including Bud/C&S) (Rs. 116-8-180/10-250).	Cashiers (Rs. 90-5-120/5-175 plus Rs. 10). 40%	Clerks and Booking Clerks (Rs. 60-4-80/5-120/5-175). 20%	100%
3. Chief Storekeeper (Rs. 120-8-200/10-300).	Storekeepers (Rs. 55-5-155). 40%	Assistants (including Bud/C&S). (Rs. 116-8-180/10-250). 40%	Inspectors (Rs. 80-5-110/5-150). 20%	100%
4. Assistants (including Bud/C&S) (Rs. 116-8-180/10-250).	Cashiers (Rs. 90-5-120/5-175 plus Rs. 10). 50%	Clerks/Booking Clerks (Rs. 60-4-80/5-120/5-175). 25%		100%
5. Stenographers (Rs. 116-8-180/10-250). (Rs. 106-6-160/8-200).	Steno-typists (Rs. 60-4-80/5-120/5-175 plus Rs. 15 P.M.). 50%	Clerks/Typists/Booking Clerks (Rs. 60-4-80/5-120/5-175). 50%		100%
6. Inspectors (Rs. 80-5-110/5-150).	Drivers (Rs. 80-4-120). 60%	Booking Clerks/ Clerks (Rs. 60-4-80/5-120/5-175). 40%	Conductors (Rs. 50-3-80/4-100). 30%	100%
7. Head Mechanics (Rs. 125-5-175 plus 33-1/3 % T.I. in pay).	Mechanics (Rs. 75-5-100 plus 33-1/3 % T.I. in pay). 67%	Machinists (Rs. 75-5-100 plus 33-1/3 % T.I. in pay). 33%		100%
3. The above quotas shall be deemed to have effect with effect from the 20th April, 1961.				

By order,  
O. N. MISRA,  
Chief Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा  
अधिसूचनाएं इत्यादि

#### AGRICULTURE DEPARTMENT

##### ADDENDUM

*Simla-4, the 25th January, 1963*

No. Agr. 2-882/57.—Please add the following certificate

in this Directorate's notification of even number dated the 13th March, 1962:—

It is certified that Shri Jagdish Chander Seam, Plant Protection Officer, Himachal Pradesh, remained on duty with effect from 5-3-1962 to 12-3-1962 (both days inclusive) and that he would have continued to officiate

in the post but for his not furnishing the proper charge certificate on the assumption of duty after the expiry of leave on 5th March, 1962 (F.N.), and the period from 5th to 12th March, will count towards increment.

#### NOTIFICATION

*Simla-4, the 25th January, 1963*

No. Agr. 2-319/57.—Sanction to the grant of 16 days earned leave with effect from 28th January, 1963 to 12th February, 1963 (both days inclusive) with permission to prefix Gazetted holiday and Sunday falling on 26th and 27th January, 1963, respectively, is hereby accorded in favour of Shri S. S. Jain, Assistant Director of Agriculture (Headquarters), Himachal Pradesh, Simla.

This is to certify that Shri S. S. Jain would have continued to officiate on the post of Assistant Director of Agriculture (Headquarters) but for his proceeding on leave and that the period of leave will count towards increment.

L. S. NEGI,  
Director.

#### ANIMAL HUSBANDRY DEPARTMENT

##### OFFICE ORDER

*Simla-4, the 16th January, 1963*

No. Vety. 4-45/61.—In exercise of the powers vested in me *vide* para 3 of the General Financial Rules, Volume I, I hereby declare the Disease Investigation Officer, Himachal Pradesh, Mandi, as Head of Office and Drawing and Disbursing Officer in respect of Mandi Town Milk Supply Scheme, under head "33-Animal Husbandry-F-2-Breeding Operation, *vice* Manager, Cattle Breeding Farm, Kataula, declared as such *vide* this Department office order of even number, dated the 16th April, 1962 and 14th December, 1962 and also for Head "33-Animal Husbandry-F-4-Package Programme" under Package Programme Scheme in Mandi Town milk supply scheme.

2. The Disease Investigation Officer, Himachal Pradesh is also declared as Controlling Officer in respect of T.A. bills of Class III and IV employees working under the aforesaid scheme.

3. This order will take effect from the date of issue.

K. C. NAYAR,  
Deputy Director.

#### INDUSTRIES DEPARTMENT

##### OFFICE ORDER

*Simla-4, the 23rd January, 1963*

No. HS. 15-(AB)-722/59-II.—In supersession of this office order of even number, dated the 3rd May, 1962 and in exercise of the powers vested in me under para 3 of the G.F.R., Volume I, (First Edition), I hereby declare the Deputy Controller, Printing and Stationery Himachal Pradesh, as Head of Office and Drawing and Disbursing Officer under Head:—68-Stationery and Printing relating to the staff working in the Press under him.

2. The Deputy Controller Printing and Stationery Himachal Pradesh will be Controlling Officer in respect of T.A. Bills of Class III and IV staff working under

him in the Press.

3. This order will take effect immediately.

DINKER KEDARNATH,  
Director.

#### PUBLIC WORKS DEPARTMENT

##### NOTIFICATIONS

*Simla-4, the 24th January, 1963*

No. PWE-136-20-8/60-7884-88.—Twenty seven (27) days earned leave with effect from 28-1-1963 to 23-2-1963 with permission to prefix 26th and 27th January, 1963 and suffix 24th February, 1963 being Sunday and Republic Day is hereby sanctioned to D. T. Aswaney Executive Engineer, Investigation and Designing Division, Himachal Pradesh, P.W.D., Simla.

While proceeding on leave Shri D. T. Aswaney, Executive Engineer will hand over charge of the office of Investigation and Designing Division, Simla to Shri Paras Ram, Assistant Engineer, Investigation and Designing Sub-Division No. I, Himachal Pradesh, P.W.D., Simla, who will hold the current charge and carry out only the routine work of the Divisional Office not involving financial powers in the absence of Shri D. T. Aswaney.

Shri Paras Ram Verma, Assistant Engineer, will not be entitled for any pay, allowances or seniority on account of this temporary posting.

As required under F. R. 26(bb), it is certified that Sh. D. T. Aswaney, would have continued to officiate as Executive Engineer, Investigation and Designing Division Himachal Pradesh, P.W.D., Simla, but for his proceeding on earned leave *w.e.f.* 28-1-1963 to 23-2-1963. The above period will count towards his annual increment. He is likely to return to the same post and station from where he proceeded on leave.

J. MUKAND,  
Chief Engineer.

*Simla-3 the 5th January, 1963*

No. SE. II-PF-181/62-25384-88.—Shri Sunder Dass, Assistant Engineer on his transfer made over the charge of the Sub-Divisional Officer, Kanam Sub-Division in Kinnaur Division to Shri S. D. Bhandari Acting S.D.O. on 19-11-1962 afternoon.

*Simla-3, the 23rd January, 1963*

No. SE. II-PF-149/60-1108-12.—Shri I. K. Bhalla, Assistant Engineer, Simla Sub-Division No. II in Simla Division No. II is granted 11 days earned leave from 28-1-1963 to 7-2-1963 with permission to affix gazetted holidays falling on 26th January, 1963 and Sunday on 27th January, 1963 and suffix restricted holidays falling on 8th February, 2nd Saturday on 9th and Sunday on 10th February, 1963.

It is certified that Shri I. K. Bhalla would have continued to officiate as Assistant Engineer but for his proceeding on leave and the period of leave will count towards annual increment in terms of F.R. 26 (bb).

On the expiry of this leave Shri I. K. Bhalla, Assistant Engineer is likely to return to duty at the same station from where he proceeded on leave.

Sd/-  
Superintending Engineer,  
2nd Circle.

भाग 3—वैधानिक नियम तथा हिमाचल प्रदेश के उप-राज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, ऐक्साइज एण्ड टैक्सेशन कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिष्ठाचित आदेश इत्यादि

शून्य

भाग 4—स्थानीय स्वायत्त शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटीफाईड और टाउन एरिया तथा पंचायत विभाग

शून्य



## भाग 5—वैयक्तिक अधिस्वचनाएं और विज्ञापन

शून्य

## भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

## EXCISE AND TAXATION DEPARTMENT

## NOTIFICATION

Simla-4, the 23rd January, 1963

## MEDICINAL AND TOILET PREPARATIONS

No. 16-3/60-Rev. II.—The attached notification No. 21 issued by the Government of India, Ministry of Finance (Department of Revenue) and published in Part II, section 3 (1) of the Gazette of India, dated the 22nd December, 1962, is published for information of the general public.

RAGHUBIR SINGH,  
Joint Secretary.

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

## NOTIFICATION

New Delhi, the 22nd December, 1962

## MEDICINAL AND TOILET PREPARATIONS

No. 21.—In pursuance of sub-rule (2) of rule 60 of the Medicinal and Toilet Preparation (Excise Duties) Rules, 1956, the Central Government hereby declares the medicinal preparation specified in the Table below as a restricted preparation and directs that the same shall be included in the Schedule.

## TABLE

(RESTRICTED PREPARATION)

## PHARMACOPOEIAL PREPARATIONS

AUQA PUDINAE Manufactured by M/s. Tack  
CONC. Pharmacopoeial Works, Jodhpur.  
[F. No. 43(13)/62-Opium].  
J. BANERJEE,  
Deputy Secretary.

## LAW DEPARTMENT

## NOTIFICATIONS

Simla-4, the 22nd January, 1963

No. 1-18/62-LR.—The following Acts recently passed by the Parliament of India and published in the Gazette of India, Extraordinary Part II, section I, dated 20th December, 21st December and 29th December, 1962 respectively, are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public:—

1. The Personal Injuries (Emergency Provisions) Act, 1962 (No. 59 of 1962).
2. The Multi-Unit Co-operative Societies (Amendment) Act, 1962 (No. 60 of 1962).
3. The Delimitation Commission Act, 1962 (No. 61 of 1962).
4. The Emergency Risks (Goods) Insurance Act, 1962 (No. 62 of 1962).
5. The Emergency Risks (Factories) Insurance Act, 1962 (No. 63 of 1962).
6. The Workmen's Compensation (Amendment) Act, 1962 (No. 64 of 1962).
7. The Working Journalists (Amendment) Act, 1962 (No. 65 of 1962).
8. The Constitution (Thirteenth Amendment) Act, 1962.
9. The Constitution (Fourteenth Amendment) Act, 1962.

S. R. MAHANTAN,  
Under Secretary (Judicial).

Assented to on 19-12-1962

THE PERSONAL INJURIES (EMERGENCY  
PROVISIONS) ACT, 1962  
(ACT No. 59 of 1962)

AN  
ACT

to make provision for the grant of relief in respect of

certain personal injuries sustained during the  
period of the emergency.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Personal Injuries (Emergency Provisions) Act, 1962.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 26th day of October, 1962.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Central Government to grant such certificates, to have been a member of that organisation at the time when the injury was sustained;

(3) "enemy" means—

(i) any person or country committing external aggression against India;

(ii) any person belonging to a country committing such aggression;

(iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;

(iv) any person belonging to such other country;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent there on for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

(5) "period of the emergency" means the period beginning with 26th October, 1962, the date on which the Proclamation of Emergency under clause (1) of article 352 of the Constitution was issued and ending with such date as the Central Government may, by a notification in the Official Gazette, declare to be the date on which the emergency shall come to an end;

(6) "personal injury" means a physical or mental injury or a disease whether manifesting itself immediately or subsequently—

(a) caused by—

(i) the discharge of any missile (including liquid or gas or both), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact, on any person or property, of any enemy aircraft or any aircraft belonging to or held by any person on behalf of or for the benefit of the Government of India or any allied power, or any part of, or anything dropped from, any such aircraft; or

(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things, required for the purposes of defence against the enemy and which happens or is caused by, through, or in connection with the manufacture, storage, or transportation of any such explosive, munition or other dangerous things;

- (7) "personal service injury", in relation to a civil defence volunteer, means any physical or mental injury, or a disease whether manifesting itself immediately or subsequently, shown to the satisfaction of the Central Government or other authority authorised to make payments under a scheme, to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained or the disease was contracted, and (except in the case of a personal injury) not to have arisen out of, and in the course of, his employment in any other capacity:

Provided that before being so satisfied, the Central Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time when the injury was sustained or the disease was contracted, a report by an officer of the organisation authorised by the Central Government to make such reports, about the injury or the disease in question;

- (8) "scheme" means a scheme made under this Act.

3. *Power to make schemes for relief in respect of personal injuries and personal service injuries.*—(1) The Central Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the period of the emergency, namely:—

- personal injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and
- personal service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Central Government or any authority authorised by the Central Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured, diseased or disabled due to injuries or any disease—

- payments by way of temporary allowance, which shall be payable only so long as the person injured or diseased is incapacitated for work by the injury or disease and has not received any such payment as is mentioned in clause (b);
- payments otherwise than by way of temporary allowance, which shall be payable only where the injury or disease causes serious and prolonged or permanent disablement or death; and
- payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Central Government to make regulations for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Central Government.

(6) Any decision of the Central Government or other authority empowered to make payments under a scheme as to the making, refusal of amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time, by a subsequent decision of the Central Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

(7) Every scheme and every regulation made under a scheme, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or the regulation or both Houses agree that the scheme or the

regulation should not be made, the scheme or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or the regulation.

4. *Relief from liability to pay compensation or damages.*—(1) In respect of a personal injury sustained during the period of the emergency by any person, and in respect of a personal service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(a) would be payable under—

- the Workmen's Compensation Act, 1923 (8 of 1923), or
- the Employees' State Insurance Act, 1948 (34 of 1948), or

(b) would, whether by virtue of any enactment or by virtue of any contract or any custom or usage having the force of law, be payable—

- in the case of a personal injury, by any person, or

- in the case of a personal service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has any responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury or personal service injury, if—

- an application for a payment under a scheme has been duly made to the Central Government or other authority empowered to make payments under the scheme in respect of the injury; and
- the court or other authority before which the proceedings are brought, is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and
- the Central Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and
- the proceedings are commenced within one month from the date of the said certificate.

5. *Information as to earnings.*—(1) Where it is necessary, in order to determine the amount of any payment to be awarded under a scheme in respect of any personal injury or personal service injury, to ascertain the earnings of the person injured in respect of any period before he sustained the personal injury or the personal service injury, the Central Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

- any person who was an employer of the injured person during that period; or
- any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

- fails to comply with the requirements of any such notice, or
- in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation or produces any

document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to five hundred rupees.

6. *Medical attention in dispensaries and hospitals.*—(1) The person managing any dispensary or hospital shall, if so required by the Central or a State Government by general or special order,—

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply, when so required, with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

7. *Penalty for false statement.*—Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

8. *Assignments or charges to be void.*—Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

*Assented to on 19-12-1962*

#### THE MULTI-UNIT CO-OPERATIVE SOCIETIES

(AMENDMENT) ACT, 1962

(ACT No. 60 OF 1962)

AN  
ACT

*further to amend the Multi-unit Co-operative Societies Act, 1942.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Multi-unit Co-operative Societies (Amendment) Act, 1962.

2. *Amendment of section 5A.*—In section 5A of the Multi-unit Co-operative Societies Act, 1942 (6 of 1942) (hereinafter referred to as the principal Act),—

(i) in sub-section (2), for the words “including proposals regarding the formation of new co-operative societies and the transfer thereto of the assets and liabilities of that society”, the following shall be substituted, namely:—  
“including proposals regarding,—

(a) the formation of new co-operative societies and the transfer thereto, in whole or in part, of the assets and liabilities of that society; or

(b) the transfer, in whole or in part, of the assets and liabilities of that society to any other co-operative societies in existence immediately before the date of that meeting of the general body.”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Notwithstanding anything contained in this section, where a scheme under sub-section (2) includes any proposal regarding the transfer of the assets and liabilities of any co-operative society to any other existing co-operative society referred to in clause (b) thereof, the scheme shall not be binding on that existing society or the shareholders and creditors thereof, unless the proposal regarding such transfer is accepted by the existing society by a resolution passed by a majority of the members present at a meeting of its general body.”.

3. *Amendment of section 6.*—Section 6 of the principal Act shall be re-numbered as sub-section (1) of that section

and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

*Assented to on 19-12-1962*

#### THE DELIMITATION COMMISSION ACT, 1962

(ACT No. 61 OF 1962)

AN  
ACT

*to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and for matters connected therewith.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Delimitation Commission Act, 1962.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “article” means an article of the Constitution;

(b) “associate member” means a member nominated under section 5;

(c) “Commission” means the Delimitation Commission constituted under section 3;

(d) “latest census figures” means the census figures as ascertained at the census held in 1961;

(e) “member” means a member of the Commission and includes the Chairman;

(f) “State” does not include the State of Jammu and Kashmir and the State of Nagaland.

3. *Constitution of Delimitation Commission.*—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(a) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(b) the Chief Election Commissioner, *ex-officio*.

(2) The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission.

4. *Duties of the Commission.*—It shall be the duty of the Commission to readjust on the basis of the latest census figures the allocation of seats in the House of the People to the several States, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly.

5. *Associate members.*—(1) The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, nine persons four of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State.

(2) The persons to be so associated from each State shall be nominated, in the case of members of the House of the People by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House, or, as the case may be, of the Assembly.



(3) The first nominations to be made under sub-section(2) —

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act, and

(b) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(4) None of the associate members shall have a right to vote or to sign any decision of the Commission.

6. *Casual vacancies.*—If owing to death or resignation the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3 or, as the case may be, of section 5.

7. *Procedure and powers of the Commission.*—(1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

*Explanation.*—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

8. *Readjustment of number of seats.*—The Commission shall, on the basis of the latest census figures and having regard to the provisions of articles 81, 170, 330 and 332, by order determine—

(a) the number of seats in the House of the People to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(b) the total number of seats to be assigned to the Legislative Assembly of each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State:

Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (b) shall be an integral multiple of the number of seats in the House of the People

allocated to that State under clause (a).

9. *Delimitation of constituencies.*—(1) The Commission shall, in the manner herein provided, then distribute the seats in the House, of the People allocated to each State and the seats assigned to the Legislative Assembly of each State to single-member territorial constituencies and delimit them on the basis of the latest census figures, having regard to the provisions of the Constitution and to the following provisions, namely:—

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(2) The Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of an associate member who desires publication thereof, in the Gazette of India and Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestion which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places in each State as it thinks fit; and

(d) thereafter by one or more orders determine—  
(i) the delimitation of parliamentary constituencies, and

(ii) the delimitation of assembly constituencies, of each State.

10. *Publication of orders and their date of operation.*—

(1) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned.

(2) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in the Representation of the People Act, 1950, (43 of 1950) and the Delimitation of Parliamentary and Assembly Constituencies Order, 1961.

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of Parliamentary constituencies or, as the case may be, of the Assembly constituencies of that State.

**11. Power to maintain delimitation orders up-to-date.—**

(1) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

- (a) correct any printing mistake in any of the orders made by the Delimitation Commission under section 9 or any error arising therein from an inadvertent slip or omission; and
- (b) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Assented to on 19-12-1962

**THE EMERGENCY RISKS (GOODS) INSURANCE**

ACT, 1962

(ACT No. 62 OF 1962)

AN

ACT

*to make certain provisions for the insurance of goods in India against damage by enemy action during the period of emergency.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

**CHAPTER I****PRELIMINARY**

**1. Short title, extent and duration.**—(1) This Act may be called the Emergency Risks (Goods) Insurance Act, 1962.

(2) It extends to the whole of India.

(3) It shall remain in force during the period of operation of the Proclamation of Emergency issued on the 26th October, 1962 and for such further period as the Central Government may, by notification in the Official Gazette, declare to be the period of emergency for the purposes of this Act, but its expiry shall not affect anything done or omitted to be done before such expiry and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon the expiry of this Act as if it had been repealed by a Central Act.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “enemy” means—

(i) any person or country committing external aggression against India;

(ii) any person belonging to a country committing such aggression;

(iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;

(iv) any person belonging to such other country;

(b) “goods” means any materials, commodities or articles and includes materials, commodities or articles used in or for the construction of any ship up to the time at which the ship after construction is launched;

(c) “Scheme” means the Emergency Risks (Goods) Insurance Scheme made under this Act;

(d) “seller of goods” includes a seller of goods acting as an agent;

(e) “supplier of goods” means a person carrying on a business in the course of which he supplies goods for the purpose of, or in pursuance of, contracts made by him for work, labour and materials;

(f) “emergency risks” means such risks arising from—  
(i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy;

(ii) any explosion or fire which involves explosives or munitions or other dangerous things required for the purposes of defence against any action of an enemy and which happens or is caused by, through, or in connection with, the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;

(iii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whether accidentally or not) as a direct result of any such action as is described in sub-clause (i) or of any such explosion or fire as is described in sub-clause (ii);

(iv) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving a substantial degree of risk to property;

(v) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving a substantial degree of risk to property;

(vi) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving a substantial degree of damage to or diminution of value of property.

**CHAPTER II****INSURABLE GOODS AND INSURANCE SCHEME**

**3. Goods insurable under the Act.**—(1) Subject to the provisions of this section, the following goods shall, in relation to any person carrying on business in India as a seller or supplier of goods of any description, be deemed to be goods insurable under this Act, that is to say, all goods situated in India or, consigned from one place in India to another place in India and in transit, being either—

(i) goods of that description, or

(ii) goods used as material from which goods of that description are produced or as ingredients or component parts of goods of that description:

Provided that no goods shall be deemed to be insurable under this Act—

(a) in relation to any person, being the owner of the goods, who carries on business as a seller of goods, unless they are owned by him with a view to being sold, or to being used as material for the production of goods to be sold, or as ingredients or component parts of goods to be sold;

(b) in relation to any person, being the owner of the goods, who carries on business as a supplier of goods, unless they are owned by him with a view to being supplied for the purpose of, or in pursuance of, a contract made by him for work, labour and materials or to being used as material for the production of goods to be supplied as aforesaid, or as ingredients or component parts of goods to be supplied.

(2) The Central Government may, by notification in the Official Gazette, direct that goods of any description specified in the notification shall, notwithstanding anything contained in this section, shall be deemed not to be goods insurable under this Act and a copy of such notification shall be laid after it has been made, on the Table of each House of Parliament when such House is in session for a period of thirty days or for the duration of the session in which it is laid, whichever period is less.

(3) Nothing in sub-section (1) shall apply in relation to goods which are owned by Government or in respect of which the Government is the seller or supplier.

4. *Ownership.*—(1) Save in so far as is otherwise expressly provided in this Act, any goods, shall, subject to the provisions of this section be deemed for the purposes of this Act to be owned,—

- (a) if the property in the goods is for the time being vested in a person in relation to whom they are insurable under this Act, by that person;
- (b) if the property in the goods is not so vested, by any person in relation to whom the goods are insurable under this Act and who is for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him:

Provided that where—

- (i) any goods would, under the foregoing provisions of this section, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of a business carried on by him in India, or who is entitled to have the property therein vested in him otherwise than in the course of such a business, and
- (ii) any person carrying on business in India is for the time being entitled to sell the goods as agent,

the goods shall be deemed to be owned by the last mentioned person.

(2) Where in the course of any business a ship is being, or has been, constructed under contract, and the ship or any part thereof or any goods appropriated for the construction thereof—

(a) would, apart from the provisions of the sub-section, have been deemed for the purposes of this Act to be owned at any time by the person from time to time carrying on the business, or

(b) have at any time been accepted, in pursuance of a contract made with him, by the person from time to time carrying on the business,

then, notwithstanding that they would not, apart from the said provisions, be deemed for the said purposes to be owned by the person from time to time carrying on the business, the ship and any part thereof and any goods so appropriated as aforesaid shall, subject to the provisions of sub-section (3), be deemed, in a case to which clause (a) of this sub-section applies, to continue to be owned by the person from time to time carrying on the business until the acceptance of the ship, in pursuance of the contract in question, by the person for whom it is being or has been, constructed, and in a case to which clause (b) of this sub-section applies, to be owned by the person from time to time carrying on the business at all times between the acceptance referred to in the said clause (b) and the acceptance of the ship as aforesaid by the person for whom it is being, or has been, constructed.

(3) The provisions of sub-section (2) shall apply in relation to the construction under contract in the course of a business of part of a ship not being part of a ship which is being, or has been, constructed by the person from time to time carrying on the business, as they apply in relation to the construction of a ship—

(a) with the substitution for references to a ship of references to part of a ship;

(b) where the contract for the part of the ship is with the person for whom the ship is being constructed, with the substitution for references to the acceptance of the ship under the contract in question of references to the acceptance of the ship under the contract for the construction thereof;

(c) where the contract for the part of the ship is with any other person, with the substitution for references to the acceptance of the ship under the contract in question of references to the acceptance of the part of the ship under the contract for the construction of the part by the person for whom it is being, or has been, constructed.

(4) Where the person from time to time carrying on a business receives any money, under a policy issued in pursuance of the scheme, in respect of the loss of or damage to a ship, part of a ship or goods which are deemed to be owned by him by virtue of sub-section (2) or sub-section (3), the money shall be held by him on trust for the person who, apart from the provisions of those sub-sections, would be deemed for the purposes

of this Act to be the owner of the ship, part or goods, subject, however, to any lien or charge which would otherwise be enforceable against the ship, part or goods and subject also to the right to retain out of the money the amount of any expenses reasonably incurred by the first mentioned person in making good any part of the loss or damage which he is liable to make good.

5. *Emergency Risks (Goods) Insurance Scheme.*—(1) The Central Government may, by notification in the Official Gazette, put into operation a scheme to be called the Emergency Risks (Goods) Insurance Scheme, whereby the Central Government undertakes in relation to persons carrying on business in India as sellers or suppliers of goods, the liability of insurance of such persons against emergency risks, to the extent provided by or under this Act, in respect of goods insurable under this Act which are from time to time owned by such persons in the course of such business.

(2) The Scheme may also extend—

(a) to the undertaking by the Central Government, in relation to any person carrying on business in India as seller or supplier of goods, of the liability of insuring such a person against emergency risks in respect of goods insurable under this Act which are not owned by him but in which he has an interest arising in the course of that business;

(b) without prejudice to the provisions of clause (a) of this sub-section, to the undertaking by the Central Government, in relation to a person carrying on any business in India, of the liability of insuring such a person against emergency risks in respect of—

(i) any goods situated in India which are in his possession, otherwise than under a hire purchase agreement, for the purposes of that business,

(ii) any goods situated in India which are subject to a mortgage, pledge or charge in his favour held by him in the course of that business,

being in either case goods which are not owned by him but which are insurable under this Act in relation to the person by whom they are owned;

(c) to the undertaking by the Central Government, in relation to a person carrying on any business in India, of the liability of insuring such person against emergency risks in respect of any goods situated in India, which having been sold in India, for export from India, are in his possession for the purpose of such export and are goods which were prior to such sale insurable under this Act in relation to the person by whom they were then owned;

(d) to the undertaking by the Central Government, in relation to any person carrying on any business in India as a seller or supplier of goods, of the liability of insuring such a person against emergency risks in respect of goods imported into India through any port of India, while such goods are situated at such port or are in transit to a place in India.

(3) The Scheme shall be such as to secure—

(a) that the liability of the Central Government as insurer shall not extend to more than eighty per cent, of the insurable value of the property insurable;

(b) that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued, in the form and in respect of a period not exceeding the period specified in the Scheme, by a person acting on behalf of the Central Government:

Provided that the form of policy may be such as to limit the extent and nature of the indemnity provided by the Central Government and to impose conditions subject to which the indemnity is provided;

(c) that any premium under a policy so issued is payable at a rate not exceeding three per cent per annum of the sum insured as may be specified in the Scheme; and

(d) that the amount of any one premium payable under a policy so issued is not less than such sum as may be specified in the Scheme.

(4) Different forms of policies may be specified under sub-section (3) in relation to different descriptions of goods.

(5) The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme made under this Act.

(6) Every Scheme shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Scheme.

6. *Employment of agents by Central Government.*—The Central Government may, by notification in the Official Gazette, employ or authorise the employment of any person to act as its agent for any of the purposes of this Act and may pay to the person so employed such remuneration as it may think fit.

### CHAPTER III

#### COMPULSORY INSURANCE

7. *Power to make insurance compulsory.*—(1) While the Scheme is in operation, no person shall, after such date as may be specified in this behalf by the Central Government by notification in the Official Gazette, carry on any business in India as a seller or supplier of goods, unless, in respect of any goods insurable under this Act which are for the time being owned by him in the course of that business, there is in force a policy of insurance against emergency risks issued in accordance with the Scheme, whereby he is insured in respect of such goods for a sum not less than the value thereof for the time being;

Provided that the Scheme shall not restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods insurable under this Act which are for the time being owned by him within one and the same Presidency town or district in the course of that business does not exceed thirty thousand rupees.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to one thousand rupees and with further fine which may extend to five hundred rupees for every day after the first on which the contravention continues.

8. *Omission to insure or to insure up to the full amount.*—

(1) Without prejudice to the provisions of sub-section (2) of section 7, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be a first charge in the goods in respect of which the default was made.

(2) A person against whom a determination is made under sub-section (1) may, within the period specified in the Scheme, appeal against such determination to the Central Government whose decision thereon shall be final.

9. *Restrictions on carrying on of certain insurance business.*—(1) After the date on which the Scheme is put into operation, no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on an business of insuring persons carrying on business in India as sellers or suppliers of goods against emergency risks in respect of goods insurable under this Act which are from time to time owned by such persons in the course of such business as is last mentioned.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with further fine which may

extend to one thousand rupees for every day after the first on which the contravention continues.

10. *Emergency risks (Goods) Insurance Fund.*—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, transfer in each financial year to a fund to be called the Emergency Risks (Goods) Insurance Fund (hereinafter referred to as the "Fund") such sums, as may be considered necessary, not exceeding the sums received by the Central Government by way of insurance premiums under the Scheme, or by way of payments made on composition of offences under section 15 or by way of expenses or compensation awarded by a court, under section 545 of the Code of Criminal Procedure, 1898 (5 of 1898), out of any fine imposed in any prosecution under this Act.

(2) There shall be paid from out of the Fund all sums required for the discharge by the Central Government of any of its liabilities under the Scheme or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme.

(3) If at any time when a payment is to be made out of the Fund, the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall, after due appropriation made by Parliament by law be paid into the Fund as an advance out of the Consolidated Fund of India.

(4) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be disposed of in such manner as the Central Government may think fit.

(5) The Central Government shall prepare, in such form and manner as may be specified in the Scheme and shall publish either annually or at such shorter intervals as may be specified therein, an account of all sums received into and paid out of the Fund.

### CHAPTER IV

#### MISCELLANEOUS

11. *Power of Central Government to obtain information.*—(1) Any person authorised in this behalf by the Central Government may, for the purposes of ascertaining whether or not the requirements of this Act have been complied with,—

(a) require any person carrying on in India the business of fire insurance or of a seller or supplier of goods to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time, enter any premises of occupied by any person carrying on in India the business of a seller or supplier of goods for the purposes of that business and may inspect the premises and require any person found therein who is for the time being in charge thereof, or in control of the business carried on therein, to produce to him and allow him to examine such accounts, books or other documents as may relate to the business carried on in the premises and to furnish to him such other information as he may reasonably require for the purpose of ascertaining whether or not, and, if so, to what extent, the person carrying on the business is insured under the Scheme in respect of goods owned by him in the course of that business, and of ascertaining the value of any goods insurable under the Scheme which are, or were at any relevant time, owned by him in the course of that business and the maximum amount which would be recoverable in respect of any such goods under a policy issued under this Act.

(2) Whoever wilfully obstructs any person in the exercise of his power under this section or fails without any reasonable excuse to comply with a demand made thereunder, shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to five hundred rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

(4) Where in any proceedings in respect of a contravention of section 7 in relation to any business, it is proved, in relation to that business—

(a) that a demand for the production of a policy of insurance issued in accordance with the Scheme insuring the person carrying on the business was duly made under this section and was not complied with, and

(b) that the person making the demand was not satisfied that there was such a policy in existence, it shall be presumed, except in so far as the contrary is proved, that the said section 7 was being contravened in relation to that business at the time when the demand was made and continued to be contravened in relation to that business at all times thereafter.

12. *Punishment for giving false information.*—If any person, for the purpose of obtaining for himself or any other person any payment in respect of any damage due to the action of the enemy or under a policy issued in pursuance of the Scheme,—

(a) furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or

(b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any book account or other document which is false in a material particular, or

(c) with intent to deceive, withholds any material information,

he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term not exceeding three months, or with both.

13. *Refund of premiums in certain cases.*—(1) Where goods of any description have been insured by a seller or supplier of goods for any period, and before that period has elapsed the goods of that description have ceased, by virtue of a notification under sub-section (2) of section 3 to be goods insurable under this Act the person who has insured such goods shall be entitled to a proportionate refund of the premium.

(2) No suit shall be maintainable in any civil court against the Central Government or any person acting as the agent of the Central Government under section 6 for the refund of money paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Act.

14. *Limitation on prosecution.*—No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Central Government or an authority authorised in this behalf by the Central Government.

15. *Composition of offences.*—Any offence punishable under sub-section (2) of section 7, or sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

16. *Bar of legal proceedings.*—No suit, prosecution, or other legal proceedings shall lie against the Central Government or against any person for anything which is in good faith done or intended to be done under this Act.

17. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises as to whether a person is insurable in respect of any goods under this Act, the Central Government may by order, make such provision or give such direction, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty; and the order of the Central Government, in such cases, shall be final.

Assented to on 19-12-1962

## THE EMERGENCY RISKS (FACTORIES) INSURANCE ACT, 1962

ACT NO. 63 OF 1962

AN

ACT

*to make provisions for the insurance of certain property in India against damage by enemy action during the period of emergency.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. *Short title, extent and duration.*—(1) This Act may be called the Emergency Risks (Factories) Insurance Act, 1962.

(2) It extends to the whole of India.

(3) It shall remain in force during the period of operation of the Proclamation of Emergency issued on the 26th October, 1962, and for such further period as the Central Government may, by notification in the Official Gazette, declare to be the period of emergency for the purposes of this Act, but its expiry shall not affect anything done or omitted to be done before such expiry and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply upon the expiry of this Act as if it had been repealed by a Central Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “buildings” includes foundations, plinths, floors, staircases, tanks, engine and boiler beds, chimneys, flues and boundary walls;

(b) “enemy” means—

(i) any person or country committing external aggression against India;

(ii) any person belonging to a country committing such aggression;

(iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;

(iv) any person belonging to such other country;

(c) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);

(d) “factory buildings” includes all buildings comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory building as are in the same ownership or occupation as the factory and are used for the purposes of the factory;

(e) “the Fund” means the Emergency Risks (Factories) Insurance Fund constituted under section 7;

(f) “insurable value” of property means the value of the property as ascertained for the purposes of insurance under this Act;

(g) “occupier” of a factory has the meaning assigned to it in clause (n) of section 2 of the Factories Act, 1948 (63 of 1948);

(h) “owner” of a factory includes, when parts of the property insurable under this Act in relation to the factory are owned by different persons, each such person in respect of the part owned by him;

(i) “property insurable under this Act” means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Emergency Risks (Goods) Insurance Act, 1962, all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be specified in the Scheme;

(j) “quarter” means a period of three months commencing on the first day of January, April, July or October;

(k) “the Scheme” means the Emergency Risks



(Factories) Insurance Scheme made under this Act;

- (f) "emergency risks" means such risks arising from—
- (i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy;
  - (ii) any explosion or fire which involves any explosives or munitions or other dangerous things required for the purposes of defence against any action of an enemy and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;
  - (iii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate the consequences of damage occurring (whether accidentally or not) as the direct result of any such action as is described in sub-clause (i) or of any such explosion or fire as is described in sub-clause (ii);
  - (iv) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving risk to property;
  - (v) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving risk to property;
  - (vi) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving damage to or diminution of the value of property.

## CHAPTER II

### EMERGENCY RISKS (Factories) Insurance Scheme

3. *Emergency Risks (Factories) Insurance Scheme.*—(1) The Central Government may, by notification in the Official Gazette, put into operation a scheme to be called the Emergency Risks (Factories) Insurance Scheme, whereby the Central Government undertakes in relation to factories the liability of insuring property insurable under this Act against emergency risks, to the extent provided by or under this Act.

(2) The Scheme may extend to the undertaking by the Central Government in relation to any person in India of the liability of insuring such person against emergency risks in respect of any property insurable under this Act which is not owned by him but in which he has an interest, up to the extent of such interest.

(3) The Scheme shall be such as to secure—

- (a) that the liability of the Central Government as insurer shall not extend to more than eighty per cent of the insurable value of the property insurable;
- (b) that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued, in the form and in respect of a period not exceeding the period specified in the Scheme, by a person acting on behalf of the Central Government;

Provided that the form of policy may be such as to limit the extent and nature of the indemnity provided by the Central Government and to impose conditions subject to which the indemnity is provided;

- (c) that any premium under a policy so issued is payable at a rate not exceeding three per cent, per annum of the sum insured as may be specified in the Scheme;
  - (d) that the amount of any one premium payable under a policy so issued is not less than such sum as may be specified in the Scheme.
- (4) The Scheme may provide—
- (a) for undertaking in relation to works in course of construction which, when completed, will become factories, and such plant and machinery appertaining to such works as may be specified in the Scheme, the same liabilities as are undertaken by the Scheme in relation to factories;

(b) that the payments due under a policy of insurance issued under the Scheme, may at the option of the Central Government, take either of the following forms, namely:—

- (i) payment, within the limits of the liability assumed by the Central Government and in such manner and by such instalments as the Central Government may think fit, of the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage, or
  - (ii) compensation, within the aforesaid limits, for the loss in value, ascertained on the basis of values and prices ruling at the time at which the policy of insurance was taken out, or at which the loss occurred, whichever is less, suffered by the property as a result of the damage, after due allowance has been made for depreciation during the period of insurance cover;
- (c) that payments due under a policy of insurance under the Scheme may be postponed to any time before the expiry of one year from the date on which this Act ceases to be in force, or, subject to payment of interest at the rate of two per cent per annum from the expiry of the said year, to any later date;
- (d) for making it an express or implied condition of any policy of insurance issued under the Scheme—
- (i) that the owner or occupier of a factory shall comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from emergency risks, or
  - (ii) that, where the Central Government exercises its option to pay the cost necessary to restore the property to its original condition the owner of the factory shall, if so required by the Central Government, reconstruct the factory or remove the factory to and reconstruct it in another locality.

(5) Different forms of policies may be specified in the Scheme under sub-section (3) in relation to different classes of factories.

(6) The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme made under this Act.

(7) Every Scheme shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Scheme.

4. *Employment of agents by the Central Government.*—The Central Government may, by notification in the Official Gazette, employ or authorise the employment of any person to act as its agent for any of the purposes of this Act, and may pay to the person so employed such remuneration as it may think fit.

5. *Duty of owner of factory to insure against emergency risks.*—(1) While the Scheme is in operation, every owner of a factory, except a factory belonging to Government or a factory exempted under section 15 from the provisions of this Act, shall, by such date as may be specified in this behalf by the Central Government by notification in the Official Gazette, or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be, in which the reconstruction of the factory is completed, take out a policy of insurance against emergency risks issued in accordance with the Scheme, whereby he is insured in respect of all property insurable under

this Act, which appertains to the factory for a sum not less than the insurable value of such property:

Provided that where the owner of the factory is not himself the occupier of the factory, the occupier of the factory shall, unless the owner has already taken out a policy of insurance as required by this sub-section, himself take out the policy, and in such a case the occupier shall be deemed to act as the agent of the owner and shall be entitled to receive from the owner all sums paid as premiums on the policy.

(2) The obligation imposed by sub-section (1) includes, when the owner of the factory is required by the Central Government to reconstruct a factory which has suffered damage, an obligation to take out an additional policy of insurance as required by the sub-section in respect of the reconstructed factory.

(3) When a factory in respect of which a policy of insurance against emergency risks has been taken out as required by this section is transferred from one owner to another or there is a change of occupier of the factory, the policy may be transferred to the new owner or occupier and such new owner or occupier shall succeed to all rights and liabilities under and in relation to the policy as if the policy had been in the first instance taken out by him.

(4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or, having taken out a policy of insurance as required by that sub-section, fails to pay any instalment of premium thereon which is subsequently, due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues, and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure.

(5) Where any offence under sub-section (4) is tried by a Presidency magistrate or a magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), the magistrate trying the offence may pass any sentence authorised by that sub-section.

6. *Restrictions on carrying on certain insurance business.*—(1) After the date on which the Scheme is put into operation, no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on the business of insuring factories in India against emergency risks in respect of property insurable under this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

7. *Emergency Risks (Factories) Insurance Fund.*—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, transfer in each financial year, to a fund to be called the Emergency Risks (Factories) Insurance Fund (hereinafter referred to as the "Fund") such sums, as may be considered necessary, not exceeding the sums received by the Central Government by way of insurance premiums under the Scheme, or by way of payments made on composition of offences under section 13 or by way of expenses or compensation awarded by a Court, under section 545 of the Code of Criminal Procedure, 1898 (5 of 1898), out of any fine imposed in any prosecution under this Act.

(2) There shall be paid from out of the Fund all sums required for the discharge by the Central Government of any of its liabilities under the Scheme, or for payments by the Central Government under section 10, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme.

(3) If at any time when a payment is to be made out of the Fund the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall, after due appropriation made by Parliament by law, be paid into the Fund as an advance out of the Consolidated Fund of India.

(4) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the

Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be disposed of in such manner as the Central Government may think fit.

(5) The Central Government shall prepare in such form and manner as may be specified in the Scheme and shall publish either annually or at such shorter intervals as may be specified therein, an account of all sums received into and paid out of the Fund.

## CHAPTER III

### MISCELLANEOUS

8. *Power of Central Government to obtain information.*—(1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(a) require the owner or occupier of the property, or any person carrying on in India the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary, or

(b) at any reasonable time, enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises who is for the time being in charge thereof, or in control thereof, or whom he believes to be in possession of information relevant to his investigation, to produce to him and allow him to examine such accounts, books or other documents as he may think necessary, or to furnish to him such other information as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any demand made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place be punishable with fine which may extend to one thousand rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular shall be punishable with fine which may extend to one thousand rupees.

(4) Where in any proceedings in respect of a contravention of section 5 in relation to any factory, it is proved, in relation to that factory—

(a) that a demand for the production of a policy of insurance issued in accordance with the Scheme insuring the owner or occupier of the factory was duly made under this section and was not complied with, and

(b) that the person making the demand was not satisfied that there was such a policy in existence, it shall be presumed, except in so far as the contrary is proved, that the said section 5 was being contravened in relation to that factory at the time when the demand was made and continued to be contravened in relation to that factory at all times thereafter.

9. *Punishment for giving false information.*—If any person, for the purpose of obtaining for himself or any other person any payment in respect of any damage due to the action of the enemy or under a policy issued in pursuance of the Scheme—

(a) furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular, or

(b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any book, account or other document which is false in a material particular, or

(c) with intent to deceive, withholds any material information,

he shall be punishable with fine which may extend to five thousand rupees or with imprisonment for a term not exceeding three months or with both.

**10. Payments towards cost of removal and reconstruction of factory.**—Where the Central Government requires the owner of a factory to remove the factory and to reconstruct it in another locality, the Central Government shall make to such owner out of the Fund such payments, in addition to any sum payable under the policy of insurance, as it considers sufficient to defray the cost of the removal and, if necessary, the replacement of any part of the property in respect of which no compensation is payable.

**11. Recovery of premiums unpaid.**—(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the Scheme, and any amount determined as payable under sub-section (1), shall be recoverable as an arrear of land revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the period specified in the Scheme, appeal against such determination to the Central Government whose decision thereon shall be final.

**12. Limitation on prosecutions.**—No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Central Government or an authority authorised in this behalf by the Central Government.

**13. Composition of offence.**—Any offence punishable under sub-section (4) of section 5 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

**14. Bar of legal proceedings.**—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be maintainable in any civil court against the Central Government, or a person acting as its agent under section 4, for the refund of any money paid or purporting to have been paid as premium on a policy of insurance taken out or purporting to have been taken out under this Act.

**15. Power to exempt factories.**—(1) The Central Government may, by notification in the Official Gazette, exempt any class or description of factories from the provisions of this Act requiring such factories to be insured or to continue to be insured under this Act; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect.

(2) In granting any exemption under this section the Central Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification.

**16. Refund of premiums in certain cases.**—Where any factory has been insured by any owner or occupier thereof for any period, and before that period has elapsed the factory or the factory of that description has ceased, by virtue of a notification under sub-section (1) of section 15 to be insurable under this Act, the person who has insured the factory shall be entitled to a proportionate refund of the premium.

**17. Power of Central Government to extend the Act and Scheme to undertakings.**—(1) The Central Government may, by notification in the Official Gazette, declare that the provisions of this Act and of the Scheme made thereunder shall apply to the insuring against emergency risks of—

- (a) the plant and machinery, whether above or below ground, appertaining to mines as defined in the Mines Act, 1952 (35 of 1952), buildings appertaining to mines and within a radius of two miles from

the mine excavation and in relation to such plant, machinery and buildings, such materials above ground as would, if the mine were a factory, be included in the term "property insurable under this Act";

- (b) derricks, drills and rigs and group gathering stations and storage tank of an oil mine, plant and machinery required for pumping, refining or processing any mineral oil, and pipe lines;
- (c) the whole or a specified part of the distribution systems of gas supply undertakings generally, or of specified gas supply undertakings;
- (d) the whole or a specified part of the distribution and transmission systems, sub-stations, switch houses and transformer houses of electric supply undertakings generally, or of specified electric supply undertakings;
- (e) the whole or a specified part of the sluice houses, valve houses, water-pipe lines, penstocks and any other plant and machinery pertaining to the intake of hydraulic power of hydro-electric supply undertakings generally, or of specified hydro-electric supply undertakings;
- (f) standing tea crops in any garden belonging to the owner of any factory;

as they apply to property insurable under this Act which appertains to a factory.

(2) In interpreting this Act as applied by notification under clause (a) of sub-section (1) to mines, references to the owner of a factory shall be read as references to the owner or agent of a mine as defined in the Mines Act, 1952 (35 of 1952) and references to the occupier of a factory shall be read as references to the agent of a mine as defined in that Act; and in interpreting this Act as applied by notification under any of the clauses of sub-section (1), "property insurable under this Act" shall be interpreted as meaning all property to which the Scheme is by the said notification declared to apply.

**18. Power of Central Government to extend the Act to inland vessels.**—(1) The Central Government may, by notification in the Official Gazette, direct that the provisions of this Act and of the Scheme made thereunder shall extend and shall so far as they are applicable, apply in the same manner as they apply to the insurance of property insurable under this Act in relation to a factory, to the insurance against emergency risks of inland vessels (including the hull, machinery and fittings thereof, fuel carried therein, and stores carried therein for the use of the crew), being the property of any trading corporation or of any body of Port Trustees or Commissioners or of any other person specified in this behalf by the Central Government, where such vessels, fuel and stores are not for the time being plant or materials insurable in relation to a factory under this Act and the Scheme thereunder, or goods insurable under the Emergency Risks (Goods) Insurance Scheme made under the Emergency Risks (Goods) Insurance Act, 1962.

(2) In this section, unless the context otherwise requires,—

- (a) "inland vessel" means a vessel not ordinarily plying outside the limits of the territorial waters surrounding India;

- (b) "vessel" means a vessel the value of which including the hull, machinery and fittings but excluding cargo, fuel and stores carried for the use of the crew, as ascertained for the purpose of insurance under the Scheme, exceeds two thousand and five hundred rupees, propelled wholly or in part by steam, electrical or mechanical power, or adapted for towing by a vessel so propelled, and includes any such vessel while used as a place of habitation or for storage of goods but does not include a vessel of the type commonly called country craft.

- (3) In the application of this Act and of the Scheme made thereunder to the insurance of inland vessels—

- (a) the obligation imposed by sub-section (1) of section 5 on the owner of a factory shall, in the case of trading corporation or body of Port Trustees or Commissioners or any other person whose inland vessels become insurable under this Act and the Scheme thereunder, be an obligation imposed on the trading corporation, body of Port Trustees or Commissioners or such

other person to take out by such date as may be specified in this behalf by the Central Government by a notification in the Official Gazette, a policy of insurance against emergency risks issued in accordance with the Scheme whereby it is insured in respect of all inland vessels (including fuel carried by them and stores carried by them for the use of the crew) owned by it or him, as the case may be, for a sum not less than the insurable value of such vessels, fuel and stores; and this obligation shall in the case of a trading corporation incorporated outside India rest upon the manager of the principal place of business in India of the corporation;

(b) the prohibition contained in sub-section (1) of section 6 of this Act shall be deemed to include a prohibition of carrying on business of insuring inland vessels in India against emergency risks for insurance against which provision is made under the Scheme;

(c) nothing in this Act shall prevent the fixing of a rate of premium under or the prescription for the time being of any period or periods for policies issued in connection with the insurance of inland vessels different from any rate fixed under or any periods prescribed for policies issued in connection with the insurance of property appertaining to a factory;

Provided that the rate of premium so fixed shall not exceed three per cent per annum of the sum insured.

19. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises as to whether a person is insurable in respect of any property insurable under this Act, the Central Government may, by order, make such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty and the decision of the Central Government, in such cases, shall be final.

20. *Notifications under section 15, 17 or 18 to be laid before Parliament.*—A copy of every notification made by the Central Government under section 15, 17 or 18 shall be laid after it has been made, on the Table of each House of Parliament when such House is in session for a period of thirty days or for the duration of the session in which it is laid, whichever period is less.

*Assented to on 19-12-1962.*

## THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1962

(ACT No. 64 OF 1962)

AN  
ACT

*further to amend the Workmen's Compensation Act, 1923.*  
BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Workmen's Compensation Amendment Act, 1962.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Workmen's Compensation Act, 1923 (8 of 1923) (hereinafter referred to as the principal Act), in sub-section (1),—

(i) in clause (g), for the words and figure "in Schedule I", the words and figures "in Part II of Schedule I" shall be substituted;

(ii) in clause (l), for the proviso, the following proviso shall be substituted, namely:

"Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity as specified in the said Part II against those injuries, amounts to one hundred per cent or more;"

(iii) in sub-clause (ii) of clause (n), for the words "four hundred rupees" the words "five hundred rupees" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(i) in sub-section (2), the following provisos shall be inserted at the end, namely:—

"Provided that if it is proved,

(a) that a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease specified therein as an occupational disease peculiar to that employment during a continuous period which is less than the period specified, under this sub-section for that employment, and

(b) that the disease has arisen out of and in the course of the employment;

the contracting of such disease shall be deemed to be an injury by accident within the meaning of this section:

Provided further that if it is proved that a workman who having served under any employer in any employment specified in Part B of Schedule III or who having served under one or more employers in any employment specified in Part C of that Schedule, for a continuous period specified under this sub-section for that employment and he has after the cessation of such service contracted any disease specified in the said Part B or the said Part C, as the case may be, as an occupational disease peculiar to the employment and that such disease arose out of the employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section."

(ii) for sub-section (2A), the following sub-section shall be substituted, namely:—

"(2A) If a workman employed in any employment specified in Part C of Schedule III contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of this section, and such employment was under more than one employer, all such employers shall be liable for the payment of the compensation in such proportion as the Commissioner may, in the circumstances deem just".

4. *Amendment of section 4.*—In section 4 of the principal Act, in sub-clause (i) of clause (c) of sub-section (1), for the word and figure "Schedule I", the words and figures "Part II of Schedule I" shall be substituted.

5. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (1) after the first proviso, the following provisos shall be inserted, namely:—

"Provided further that in case of partial disablement due to the contracting of any such disease and which does not force the workman to absent himself from work, the period of two years shall be counted from the day the workman gives notice of the disablement to his employer:

Provided further that if a workman who, having been employed in an employment for a continuous period, specified under sub-section (2) of section 3 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease peculiar to that employment within two years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected."

6. *Amendment of section 18A.*—In sub-section (2) of section 18A of the principal Act, for the words "within six months of the date on which the offence is alleged to have been committed", the words "within six months of the date on which the alleged commission of the offence came to the knowledge of the Commissioner" shall be substituted.

7. *Amendment of sections 20 and 21.*—In the principal Act, in section 20 and 21, the word "local", wherever it occurs, shall be omitted.

8. *Insertion of new section 36.*—After section 35 of the principal Act, the following section shall be inserted, namely:—

"36. *Rules made by Central Government to be laid before Parliament.*—Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the

rule or both Houses agree that the rule should not be made, the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

9. *Amendment of Schedule I.*—In Schedule I of the principal Act,—

(i) for the heading "LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT" the following heading shall be substituted, namely:—

"PART I

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL DISABLEMENT";

(ii) after serial No. 6 and the entries relating thereto, the following heading shall be inserted, namely:—

"PART II

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT";

(iii) serial Nos. 7 to 54 shall respectively be re-numbered as serial Nos. 1 to 48.

10. *Amendment of Schedule II.*—In Schedule II of the principal Act,—

(i) in clause (ii), after the words "with any such manufacturing process or with the article made", the words "whether or not employment in any such work is within such premises or precincts" shall be inserted;

(ii) in clause (iii),

(a) the word "or" occurring at the end shall be omitted;

(b) the following *Explanation* shall be inserted namely:—

"*Explanation.*—For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article shall be deemed to be employed within such premises or precincts; or";

(iii) in clause (xviii) after the word "growing", the word "cardamom" shall be inserted.

11. *Amendment of Schedule III.*—In Schedule III of the principal Act,—

(a) in Part A, after the existing entries the following entry shall be inserted, namely:—

"Poisoning by Organic Phosphorus insecticides. Any process involving the use of, or handling or exposure to the fumes, dust or vapour containing any of the organic phosphorus insecticides."

(b) in Part B,—

(i) against the entry "Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl" in the first column, for the words "use of lead" in the entry in the second column, the words "use of lead ore or lead" shall be substituted;

(ii) against the entry "poisoning by phosphorus or its compounds, or its sequelae" in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

"Any process involving the liberation of phosphorus or use or handling of phosphorus or its preparations or compounds";

(iii) against the entry "Poisoning by benzene, or its homologues their amido and nitroderivatives or its sequelae" in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

"Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives";

(iv) against the entry "Chrome ulceration or its sequelae" in the first column the following words shall be inserted at the end in the entry in the second column, namely:—

"or the manufacture of bichromate";

(v) against the entry "Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives" in the first column, for the word "distillation" in the entry in the second column, the word "liberation" shall be substituted;

(vi) after the existing entries, the following entry shall be inserted, namely:—

"Poisoning by manganese or a compound of manganese, or its sequelae. Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese".

12. *Substitution of Schedule IV.*—For Schedule IV the principal Act, the following Schedule shall be substituted, namely:—

SCHEDULE IV

(See section 4)

COMPENSATION PAYABLE IN CERTAIN CASES

Monthly wages of the workman injured	Amount of compensation for—		Half-monthly payment as compensation for temporary disablement
	Death	Permanent total disablement	
1	2	3	4
More than			
Rs. 0	Rs. 10	Rs. 1,000	Rs. 1,400
10	13	1,100	1,540
13	18	1,200	1,680
18	21	1,260	1,764
21	24	1,440	2,016
24	27	1,620	2,268
27	30	1,800	2,520
30	35	2,100	2,940
35	40	2,400	3,360
40	45	2,700	3,780
45	50	3,000	4,200
50	60	3,600	5,040
60	70	4,200	5,880
70	80	4,800	6,720
80	100	6,000	8,400
100	150	7,000	9,800
150	200	7,000	9,800
200	300	8,000	11,200
300	400	9,000	12,600
400	...	10,000	14,000
			Rs. nP. Half his monthly wages -do-
			6 50
			7 00
			8 00
			8 50
			9 50
			10 00
			13 00
			13 00
			18 50
			18 50
			20 00
			26 00
			37 50
			52 50
			60 00
			75 00
			87 50

Assented to on 19-12-1962  
THE WORKING JOURNALISTS (AMENDMENT)  
ACT, 1962

(ACT No. 65 OF 1962)

AN

ACT

further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Working Journalists (Amendment) Act, 1962.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), (hereinafter referred to as the principal Act), in clause (a), for the word and figure "section 8", the word and figure "section 9" shall be substituted.

3. *Substitution of new sections for section 5.*—For section 5 of the principal Act, the following sections shall be substituted, namely:—

"5. *Payment of gratuity.*—(1) Where—

(a) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and—



- (i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action; or
- (ii) he retires from service on reaching the age of superannuation; or
- (b) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than ten years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that newspaper establishment on any ground whatsoever other than on the ground of conscience; or
- (c) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that establishment on the ground of conscience; or
- (d) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the working journalist, his family, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947 (14 of 1947), be paid on such termination, retirement, resignation or death by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months:

Provided that in the case of a working journalist referred to in clause (b), the total amount of gratuity that shall be payable to him shall not exceed twelve and half months' average pay:

Provided further that where a working journalist is employed in any newspaper establishment wherein not more than six working journalists were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a working journalist employed in any such newspaper establishment for any period of service before such commencement shall not be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months but shall be equivalent to—

- (a) three days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service does not exceed five years;
- (b) five days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds five years but does not exceed ten years; and
- (c) seven days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds ten years.

**Explanation.**—For the purposes of this sub-section and sub-section (1) of section 17, "family" means—

- (i) in the case of a male working journalist, his widow, children, whether married or unmarried, and his dependent parents and the widow and children of his deceased son:

Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of his death she was not legally entitled to be maintained by him;

- (ii) in the case of a female working journalist, her husband, children, whether married or unmarried, and the dependent parents of the working journalist or of her husband, and the widow and children of her deceased son:

Provided that if the working journalist has expressed her desire to exclude her husband from the family, the husband and his dependent parents shall not be deemed to be a part of the working journalist's family, and in either of the above two cases, if the child of a working journalist or of a deceased son of a working journalist has been adopted by another person and if under the personal law of the adopter, adoption is legally recognised, such a child shall not be considered as member of the

family of the working journalist.

(2) Any dispute whether a working journalist has voluntarily resigned from service in any newspaper establishment on the ground of conscience shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947, (14 of 1947) or my corresponding law relating to investigation and settlement of industrial disputes in force in any State.

(3) Where a nominee is a minor and the gratuity under sub-section (1) has become payable during his minority, it shall be paid to a person appointed under sub-section (3) of section 5A:

Provided that where there is no such person, payment shall be made to any guardian of the property of the minor appointed by a competent court or where no such guardian has been appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor:

Provided further that where the gratuity is payable to two or more nominees, and either or any of them dies, the gratuity shall be paid to the surviving nominee or nominees.

**5A. Nomination by working journalist.**—(1) Notwithstanding anything contained in any law for the time being in force, or in any disposition, testamentary or otherwise in respect of any gratuity payable to a working journalist, where a nomination made in the prescribed manner purports to confer on any person the right to receive payment of the gratuity for the time being due to the working journalist, the nominee shall, on the death of the working journalist, become entitled to the gratuity and to be paid the sum due in respect thereof to the exclusion of all other persons, unless, the nomination is varied or cancelled in the prescribed manner.

(2) Any nomination referred to in sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees, all the nominees predecease, the working journalist making the nomination.

(3) Where the nominee is a minor, it shall be lawful for the working journalist making the nomination to appoint any person in the prescribed manner to receive the gratuity in the event of his death during the minority of the nominee.

**4. Substitution of new sections for sections 8, 9, 10, 11, 12 and 13.**—For sections 8, 9, 10, 11, 12 and 13 of the principal Act, the following sections shall be substituted, namely:—

**"8. Fixation or revision of rates of wages.**—(1) The Central Government may, in the manner hereinafter provided,—

- (a) fix rates of wages in respect of working journalists;
- (b) revise, from time to time at such intervals as it may think fit, the rates of wages fixed under this section or specified in the order made under section 6 of the Working Journalists (Fixation of Rates of Wages) Act, 1958. (29 of 1958).

(2) The rates of wages may be fixed or revised by the Central Government in respect of working journalists for time work and for piece work.

**9. Procedure for fixing and revising rates of wages.**—For the purpose of fixing or revising rates of wages in respect of working journalists under this Act, the Central Government shall, as and when necessary, constitute a Wage Board which shall consist of—

- (a) two persons representing employers in relation to newspaper establishments;
- (b) two persons representing working journalists;
- (c) three independent persons, one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof.

**10. Recommendation by Board.**—(1) The Board shall by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the fixation or revision of rates of wages of working journalists to make such representations as they may think fit as respects the rates of wages which may be fixed or revised under this Act in respect of working journalists.

(2) Every such representation shall be in writing and shall be made within such period as the Board may specify in the notice and shall state the rates of wages which, in the opinion of the person making the representation,

would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making the representation in relation to his representation.

(3) The Board shall take into account the representations aforesaid, if any, and after examining the materials placed before it make such recommendations as it thinks fit to the Central Government for the fixation or revision of rates of wages in respect of working journalists; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect.

(4) In making any recommendations to the Central Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employment, the circumstances relating to the newspaper industry in different regions of the country and to any other circumstances which to the Board may seem relevant.

11. *Powers and procedure of the Board.*—(1) Subject to the provisions contained in sub-section (2), the Board may exercise all or any of the powers which an Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), exercises for the adjudication of an industrial dispute referred to it and shall, subject to the provisions contained in this Act and the rules, if any, made thereunder, have power to regulate its own procedure.

(2) Any representations made to the Board and any documents furnished to it by way of evidence shall be open to inspection on payment of such fee as may be prescribed, by any person interested in the matter.

(3) If, for any reason, a vacancy occurs in the office of Chairman or any other member of the Board, the Central Government shall fill the vacancy by appointing another person thereto in accordance with the provisions of section 9 and any proceeding may be continued before the Board so reconstituted from the stage at which the vacancy occurred.

12. *Powers of Central Government to enforce recommendations of the Wage Board.*—(1) As soon as may be, after the receipt of the recommendations of the Board, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations, not being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be prescribed and shall take into account any re-presentations which they may make in this behalf in writing; or

(b) refer the recommendations or any part thereof to the Board in which case, the Central Government shall consider its further recommendations and make an order either in terms of the recommendations or with such modifications of the nature referred to in sub-section (1) as it thinks fit.

(3) Every order made by the Central Government under this section shall be published in the Official Gazette together with the recommendations of the Board relating to the order and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

13. *Working journalists entitled to wages at rates not less than those specified in the order.*—On the coming into operation of an order of the Central Government under section 12, every working journalist shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order.

13A. *Power of Government to fix interim rates of wages* (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rates of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rates of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation."

5. *Substitution of new sections for sections 17.*—For section 17 of the principal Act, the following sections shall be substituted, namely:—

"17. *Recovery of money due from an employer.*—(1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery make an application to the State Government for the recovery of the amount due to him, and if the State Government or such authority as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947) or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

17A. *Maintenance of registers, records, and muster-rolls.*—Every employer in relation to a newspaper establishment shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

17B. *Inspectors.*—(1) The State Government may by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

(2) Any Inspector appointed under sub-section (1) may for the purpose of ascertaining whether any of the provisions of this Act or of the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958) have been complied with in respect of a newspaper establishment—

(a) require an employer to furnish such information as he may consider necessary;

(b) at any reasonable time enter any newspaper establishment or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the establishment;

(c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the newspaper establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be or to have been an employee in the establishment;

(d) make copies of or take extracts from any book, register or other documents maintained in relation to the newspaper establishment;

(e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1960).

(4) Any person required to produce any document or thing or to give information by an Inspector under sub-section (2) shall be legally bound to do so."

6. *Amendment of section 18.*—In section 18 of the

principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

(1) If any employer contravenes any of the provisions of this Act or any rule or order made thereunder, he shall be punishable with fine which may extend to two hundred rupees.

(1A) Whoever, having been convicted of any offence under this Act, is again convicted of an offence involving the contravention of the same provision, shall be punishable with fine which may extend to five hundred rupees.

(1B) Where an offence has been committed by company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(1C) Notwithstanding anything contained in sub-section (1B), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any gross negligence on the part of any director, manager, secretary or other officer or the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(1D) For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

7. *Amendment of section 19.*—In section 19 of the principal Act, after the words "member of the Board" the words "or an Inspector appointed under this Act" shall be inserted.

8. *Insertion of new sections 19A and 19B.*—After section 19 of the principal Act, the following sections shall be inserted, namely:—

"19A. *Defects in appointments not to invalidate acts.*—No act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

19B. Saving nothing in this Act or the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958) shall apply to any working journalist who is an employee of the Government to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the Central Government in the Official Gazette, apply."

9. *Amendment of section 20.*—In section 20 of the principal Act,—

(i) in sub-section (2), for clauses (d), (e) and (f), the following clauses shall be substituted, namely:—

"(d) the procedure to be followed by the Board in the discharge of its functions under this Act;

(e) the form of nominations, and the manner in which nominations may be made;

(f) the manner in which any person may be appointed for the purposes of sub-section (3) of section 5A;

(g) the variation or cancellation of nominations;

(h) the manner of giving notice under clause (a) of sub-section (2) of section 12;

(i) the registers, records and muster-rolls to be prepared and maintained by newspaper establishments, the forms in which they should be prepared and maintained and the particulars to be entered therein;

(j) the powers that may be exercised by an Inspector;

(k) any other matter which has to be, or may be, prescribed."

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

10. *Amendment of Act 29 of 1958.*—The Working Journalists (Fixation of Rates of Wages) Act, 1958 shall be amended in the manner hereinafter specified, namely:—

(a) section 8 shall be omitted;

(b) in section 9—

(i) in sub-section (1), for the words "the working journalist may", the words "the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, any member of his family may" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If any question arises as to the amount due under this Act to a working journalist from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947) or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law."

(c) after section 12, the following section shall be inserted, namely:—

"12A. *Penalty.*—(1) Any employer who contravenes the provisions of section 7 shall be punishable with fine which may extend to two hundred rupees.

(2) Whoever, having been convicted of any offence under sub-section (1), is again convicted of an offence under that sub-section, shall be punishable with fine which may extend to five hundred rupees.

(3) Where an offence has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any

punishment provided in this section if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable, to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(5) For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Assented to on 28-12-1962

# THE CONSTITUTION (THIRTEENTH AMENDMENT) ACT, 1962

## AN ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Thirteenth Amendment) Act, 1962.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of In Part XXI.*—IN PART XXI of the Constitution—

(a) for the heading, the following heading shall be substituted, namely:—

"TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS";

(b) after article 371, the following article shall be inserted, namely:—

"371A. *Special provision with respect to the State of Nagaland.*—(1) Notwithstanding anything in this Constitution,—

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Nagas,

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources,

shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;

(b) the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of

his individual judgement, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Nagaland, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(c) in making his recommendation with respect to any demand for a grant, the Governor of Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for a grant relating to that service or purpose and not in any other demand;

(d) as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for—

(i) the composition of the regional council and the manner in which the members of the regional council shall be chosen:

Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman *ex-officio* of the regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves;

(ii) the qualifications for being chosen as, and for being, members of the regional council;

(iii) the term of office of, and the salaries and allowances, if any, to be paid to members of, the regional council;

(iv) the procedure and conduct of business of the regional council;

(v) the appointment of officers and staff of the regional council and their conditions of services, and

(vi) any other matter in respect of which it is necessary to make rules for the constitution and proper functioning of the regional council.

(2) Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf,—

(a) the administration of the Tuensang district shall be carried on by the Governor;

(b) where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;

(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to

any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council:

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

- (d) the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district;
- (e) (i) one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid;
- (ii) the Minister for Tuensang affairs shall deal with, and have direct access to the Governor on, all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;
- (f) notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion;
- (g) in articles 54 and 55 and clause (4) of article 80, references to the elected members of the Legislative Assembly of a State or to each such member shall include references to the members or member of the Legislative Assembly of Nagaland elected by the regional council established under this article;
- (h) in article 170—
  - (i) clause (1) shall, in relation to the Legislative Assembly of Nagaland, have effect as if for the word 'sixty', the words 'forty-six' had been substituted;
  - (ii) in the said clause, the reference to direct election from territorial constituencies in the State shall include election by the members of the regional council established under this article;
  - (iii) in clauses (2) and (3), references to territorial constituencies shall mean references to territorial constituencies in the Kohima and Mokokchung districts.
- (3) If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may by order do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty:

Provided that no such order shall be made after the expiration of three years from the date of the formation of the State of Nagaland.

*Explanation.*—In this article, the Kohima, Mokokchung and Tuensang districts shall have the same meanings as in the State of Nagaland Act, 1962 (27 of 1962)."

Assented to on 28-12-1962

**THE CONSTITUTION (FOURTEENTH AMENDMENT) ACT, 1962**  
AN  
ACT

*Further to amend the Constitution of India*

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Constitution (Fourteenth Amendment) Act, 1962.
2. *Amendment of article 81.*—In article 81 of the Constitution, in sub-clause (b) of clause (1), for the words "twenty members", the words "twenty-five members" shall be substituted.
3. *Amendment of the First Schedule.*—In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", after entry 8, the following entry shall be inserted, namely:—
  - "9. Pondicherry.—The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishments in India known as Pondicherry, Karikal, Mahe and Yanam."
4. *Insertion of new article 239A.*—After article 239 of the Constitution, the following article shall be inserted, namely:—
 

"239A. *Creation of local Legislatures or Council of Ministers or both for certain Union territories.*—(1) Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman, and Diu, and Pondicherry—

  - (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or
  - (b) a Council of Ministers, or both with such constitution, powers and function, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."
5. *Amendment of article 240.*—In article 240 of the Constitution, in clause (1),—
  - (a) after entry (d), the following entry shall be inserted, namely:—
 

"(e) Pondicherry:";
  - (b) the following proviso shall be inserted at the end, namely:—
 

"Provided that when any body is created under article 239A to function as a Legislature for the Union territory of Goa, Daman and Diu or Pondicherry, the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature."
6. *Amendment of the Fourth Schedule.*—In the Fourth Schedule to the Constitution, in the Table,—
  - (a) after entry 20, the entry
 

"21. Pondicherry. 1" shall be inserted;
  - (b) for the figures "225", the figures "226" shall be substituted.
7. *Retrospective operation of certain provisions.*—Section 3 and clause (a) of section 5 shall be deemed to have come in to force on the 16th day of August, 1962.

Simla-4, the 22nd January, 1963

No. 1-18/62-LR.—The Defence of India Amendment Ordinance, 1962 (No. 6 of 1962) recently promulgated by the President of India and published in the Gazette of India Extraordinary Part II, section 1, dated 3rd November, 1962 is hereby republished in the Himachal



Pradesh Administration Gazette for the information of the general public.

S. R. MAHANTAN,  
Under Secretary (Judicial).

### THE DEFENCE OF INDIA (AMENDMENT) ORDINANCE, 1962

(No. 6 of 1962)

*Promulgated by the President in the Thirteenth Year of the Republic of India.*

*An Ordinance to amend the Defence of India Ordinance, 1962.*

WHEREAS the President has declared by Proclamation under clause (1) of article 352 of the Constitution that a grave emergency exists whereby the security of India is threatened by external aggression;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Defence of India (Amendment) Ordinance, 1962.

(2) It shall come into force at once.

2. *Amendment of section 3 of Ord. 4 of 1962.*—In the Defence of India Ordinance, 1962 (hereinafter referred to as the principal Ordinance), in sub-section (2) of section 3—

(a) in sub-clause (j) of clause (9), after the words 'civil defence', the words 'the public safety' shall be inserted;

(b) after clause (13), the following clause shall be inserted, namely:—

“(13A) notwithstanding anything in any other law for the time being in force,—

(i) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain, as the case may be, suspects, on grounds appearing to that authority to be reasonable, of being of hostile Origin or of having acted, acting, being about to act or being likely to act in a manner prejudicial to the defence of India and civil defence, the security of the State, the public safety or interest, the maintenance of public order, India's relations with foreign States, the maintenance of peaceful conditions in any part or area of India or the efficient conduct of military operations, or with respect to whom that authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner,

(ii) the prohibition of such person from entering or residing or remaining in any area, and

(iii) the compelling of such person to reside and remain in any area, or to do or abstain from doing anything;”.

3. *Amendment of section 6.*—In section 6 of the principal Ordinance, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—

“(a) in sub-section (1) of section 5 thereof, after the words 'in his possession or control', the words 'any information likely to assist the enemy as defined in the rules made under the Defence of India Ordinance, 1962, or had been inserted; and after the words 'in such a place', the words 'or which relates to or is used in, a protected area as defined in the rules made under the Defence of India Ordinance, 1962, or relates to anything in such area', had been inserted.”.

S. RADHAKRISHNAN,  
President.

### THE COMPANIES (AMENDMENT) ORDINANCE, 1962

(No. 7 of 1962)

*Promulgated by the President in the Thirteenth Year of the Republic of India.*

*An Ordinance further to amend the Companies Act, 1956.*

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Companies (Amendment) Ordinance, 1962.

(2) It shall come into force at once.

2. *Insertion of new section 293B.*—During the period of operation of this Ordinance, the Companies Act, 1956 (of 1956), shall have effect as if after section 293A, the following section had been inserted, namely:—

“293B. *Power of Board to make contributions to National Defence Fund, etc.*—The Board of directors of any company may, notwithstanding anything contained in sections 293 and 293A or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.”.

S. RADHAKRISHNAN,  
President.

R. C. S. SARKAR,  
Secretary to the Govt. of India.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं  
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

भाग 8—हिमाचल प्रदेश क्षेत्रीय परिषद् द्वारा अधिसूचित आदेश इत्यादि

शून्य

अनुपूरक

देखिये पृष्ठ 93—95

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**Daily Rainfall recorded at 55 stations in Himachal Pradesh for the month of January, 1962**

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District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Mahasu:																			
Rampur ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rohru ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jubbāl ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chopal ..	—	—	—	—	—	—	—	—	—	—	—	—	5.0	—	—	—	—	—	—
Theog ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kumarsain ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Junga ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kasumpti ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Solan ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Arki ..	—	—	—	—	—	—	—	—	—	—	—	—	0.2	—	—	—	—	—	—
Suni ..	—	—	—	—	—	—	—	—	—	—	0.2	0.7	—	—	—	—	—	—	—
Kotkhai ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bashla ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Khadrala ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Shillaru ..	—	—	—	—	—	—	—	—	—	—	—	3.6	—	—	—	—	—	—	—
Parala ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1.3	—	—	—	—
Kotgarh ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Phancha ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kianaaur:																			
Kilba ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sangla ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Purbani ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nichar ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chini ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mandi:																			
Sadar ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jogindernagar ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sarkaghat ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chachiot ..	—	—	—	—	—	8.0	—	—	—	—	—	—	—	—	—	—	—	—	—
Sundernagar ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karsog ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhangrotu ..	—	—	—	—	—	—	—	—	—	—	—	3.8	—	—	—	—	—	—	—
Jhungi ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Janjāhli ..	—	—	—	—	—	—	—	—	—	—	—	1.5	—	—	—	—	—	—	—
Panjain ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kataula ..	—	—	—	—	—	—	—	—	—	—	—	—	0.7	—	—	—	—	—	—
Mandi Obs. ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chamba:																			
Chamba ..	6.4	—	—	—	—	—	—	—	—	—	—	—	4.0	—	—	—	—	—	—
Ludreva ..	—	—	—	—	—	—	—	—	—	—	—	10.0	—	—	—	—	—	—	—
Chhatrari ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhandal ..	—	—	—	—	—	—	—	—	—	—	—	8.9	—	—	—	—	—	—	12.5
Chowari ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bathri ..	—	—	—	—	—	—	—	—	—	0.3	—	—	—	—	—	—	—	—	—
Kalatop ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bharmour ..	5.1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tissa ..	—	—	—	—	—	—	—	—	—	—	1.5	3.6	—	—	—	—	—	—	—
Bhanota ..	—	—	—	—	—	—	—	—	—	—	—	2.5	—	—	—	—	—	—	—
Kilar ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sirmor:																			
Nahan ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paonta ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Renuka ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pachhad ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dhaulta-Kuan ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bagthan ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur:																			
Edaspur ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ghumarwin ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur Obs. ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

**PRADESH FOR THE MONTH OF JANUARY, 1962**

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal No. of rainy days	Total rainfall for the month	Normal rainfall for the month	Heaviest rainfall during the month	Total rainfall from 1-1-62 to 31-1-62	Normal rainfall from 1-1-62 to 31-1-62
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
—	—	38.1	—	—	—	11.7	17.3	—	—	—	—	3	5.6	67.1	4.8	33.1	67.1	—
—	—	52.2	—	—	40.9	15.2	4.0	—	—	—	—	3	7.1	108.3	118.5	2.2	108.3	—
—	—	12.0	—	—	—	14.0	—	—	—	—	—	3	6.3	30.0	109.4	14.0	30.0	—
—	—	33.0	5.1	—	—	40.7	20.4	—	—	—	—	4	8.2	99.2	142.2	40.7	99.2	—
—	—	50.0	—	—	—	45.0	7	—	—	—	—	4	—	107.6	—	50.0	107.6	—
—	40.6	—	—	—	12.9	11.4	—	—	—	—	—	3	6.4	64.9	94.7	40.6	64.9	—
—	—	38.1	—	—	—	81.3	19.1	—	—	—	—	3	4.9	138.5	91.1	81.3	138.5	—
—	—	22.5	—	—	—	26.0	20.4	—	—	—	—	3	6.4	68.9	81.9	26.0	68.9	—
—	—	19.2	—	—	—	69.4	29.8	1.8	—	—	—	3	6.3	120.2	165.1	69.4	120.2	—
—	—	—	37.6	—	—	35.6	38.1	—	—	—	—	3	6.2	111.3	92.1	38.1	111.3	—
—	—	—	—	—	—	45.7	—	—	—	—	—	3	6.0	91.8	82.9	42.6	91.8	—
—	—	42.6	—	—	—	34.0	15.0	—	—	—	—	2	4.9	59.4	71.2	45.7	59.4	—
—	—	12.8	—	—	—	20.3	15.2	—	—	—	—	3	6.9	81.2	137.1	45.7	81.2	—
—	45.7	—	—	—	61.0	30.5	—	—	—	—	—	4	8.1	182.6	213.9	75.9	182.6	—
—	15.2	75.9	—	—	—	—	—	—	—	—	—	4	—	—	—	—	—	—
—	19.8	2.8	—	—	21.8	13.7	—	—	—	—	—	5	6.1	—	189.7	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	5	6.7	61.7	106.7	21.8	61.7	—
—	—	20.3	—	—	—	10.2	12.7	—	—	—	—	3	5.0	—	83.9	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	3	8.6	44.5	128.3	20.3	44.5	—
—	—	—	—	—	—	—	—	—	—	—	—	52	6.5	1437.2	116.7	—	1437.2	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	79.8	—	—	79.8	—
—	5.1	—	—	—	—	3.8	2.3	—	—	—	1.3	2	5.2	12.5	70.6	5.1	12.5	—
—	—	10.2	—	—	—	7.6	10.2	—	—	—	—	3	9.2	28.0	184.2	10.2	28.0	—
—	—	2.5	—	—	—	3.8	2.5	—	—	—	3.8	4	8.5	12.6	146.9	3.8	12.6	—
—	—	10.2	—	—	—	5.1	—	—	—	—	—	2	8.4	15.3	109.1	10.2	15.3	—
—	—	5.1	2.5	—	—	6.3	8.9	—	—	—	—	4	6.2	22.8	92.6	8.9	22.8	—
—	—	—	—	—	—	—	—	—	—	—	—	15	7.5	91.2	120.7	—	91.2	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	18.2	—	—	18.2	—
—	—	24.0	—	—	—	6.0	10.0	—	—	—	—	3	6.0	40.0	82.7	24.0	40.0	—
—	—	23.0	—	—	—	12.4	4.5	—	—	—	—	2	7.6	36.8	117.6	23.0	36.8	—
—	—	—	—	—	—	34.0	14.0	—	—	—	—	2	5.1	16.9	102.9	12.4	16.9	—
—	—	25.0	—	—	—	—	—	—	—	—	—	4	5.9	81.0	96.8	34.0	81.0	—
—	—	54.4	—	—	20.3	8.9	—	—	—	—	—	2	7.1	90.6	107.5	54.4	90.6	—
—	—	—	—	—	—	5.6	—	—	—	—	—	3	6.2	70.6	89.6	41.4	70.6	—
—	—	—	—	—	—	15.2	12.7	—	—	—	—	3	6.1	17.5	93.0	8.1	17.5	—
—	—	—	—	—	14.0	6.1	—	—	—	—	—	2	5.9	27.9	80.7	15.2	27.9	—
—	—	—	—	—	—	7.9	9.4	—	—	—	—	2	2.7	—	38.3	—	—	—
—	—	16.5	—	—	—	14.6	14.8	—	—	—	—	2	6.0	21.6	61.7	14.0	21.6	—
—	—	16.6	—	—	—	—	—	—	—	—	—	3	5.8	33.8	83.3	16.5	33.8	—
—	—	—	—	—	—	—	—	—	—	—	—	3	6.2	46.7	82.0	16.6	46.7	—
—	—	—	—	—	—	—	—	—	—	—	—	29	5.9	483.4	86.3	—	483.4	—
—	—	—	—	—	—	—	—	—	—	—	—	2	—	40.3	—	—	40.3	—
—	—	8.4	—	—	—	4.1	11.1	—	—	—	—	5	7.4	34.0	134.8	11.1	34.0	—
—	20.2	—	—	—	—	40.0	—	—	—	—	—	3	5.5	70.2	88.6	40.0	70.2	—
—	—	12.7	—	—	—	12.9	14.2	23.1	—	—	—	3	6.9	39.8	173.2	14.2	39.8	—
—	—	—	—	—	—	—	—	—	—	—	—	3	6.7	44.5	160.5	23.1	44.5	—
—	—	—	—	—	—	17.8	—	—	—	—	—	2	6.7	88.9	157.1	71.1	88.9	—
—	—	—	—	—	4.6	6.6	—	—	—	—	3.8	4	7.1	26.7	117.9	11.4	26.7	—
—	—	30.5	—	—	—	45.7	—	—	—	—	—	3	7.4	78.7	228.4	45.7	78.7	—
—	—	15.2	—	—	—	15.2	10.2	—	—	—	—	4	8.6	45.7	149.5	15.2	45.7	—
—	—	—	—	—	—	—	10.2	—	—	—	—	2	8.7	15.3	153.6	10.2	15.3	—
—	—	—	—	—	—	9.1	—	—	—	—	—	3	7.9	16.7	126.3	9.1	16.7	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	32	7.3	460.5	149.0	—	460.5	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	41.9	—	—	41.9	—
—	—	12.8	—	—	—	60.2	45.6	—	—	—	—	3	4.8	118.6	88.9	60.2	118.6	—
—	—	37.0	—	—	—	55.0	—	60.3	—	—	—	3	4.5	152.3	73.9	60.3	152.3	—
—	—	18.0	—	—	—	94.0	29.0	—	—	—	—	3	4.7	141.0	101.9	94.0	141.0	—
—	—	28.6	—	—	—	52.6	25.0	—	—	—	—	3	5.5	106.2	100.2	52.6	106.2	—
—	—	16.6	—	—	—	81.0	31.0	—	—	—	—	3	4.7	128.4	72.7	81.0	128.4	—
—	—	—	—	—	—	88.9	12.7	—	—	—	—	3	—	140.2	—	88.9	140.2	—
—	—	—	—	—	—	—	—	—	—	—	—	18	4.8	786.7	87.5	—	786.7	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	131.1	—	—	131.1	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	3	5.6	70.9	73.3	35.9	70.9	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	76.8	—	43.2	76.8	—
—	—	—	—	—	—	—	—	—	—	—	—	3	5.0	67.6	75.3	31.8	67.6	—
—	—	—	—	—	—	—	—	—	—	—	—	9	5.3	215.3	74.3	—	215.3	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	71.8	—	—	71.8	—

1. Figures are given in Millimeters. 2. 'R' day denotes a fall so light as to admit to measurement.

